



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,347	05/11/2001	Maurizio Montanari	34453/GM/1p	4694

7590

08/10/2005

MODIANO & ASSOCIATI
Via Meravigli, 16
MILANO, 20123
ITALY

EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/852,347	Applicant(s) MONTANARI, MAURIZIO	
	Examiner Stella L. Woo	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5 is/are allowed.
- 6) ☒ Claim(s) 1,6,7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 6-7, 9-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

3. Applicant's amended claim 1 and new claim 13 now recite a molded body "wherein said body is monolithic." However, the specification describes the body as being "substantially a ... monolithic body" (page 3, lines 8-9). Moreover, the specification further describes the body as comprising a front portion 2 and a rear portion 3 (page 3, line 11) such that applicant's description does not provide support for the body being "monolithic."

4. The following claim rejections are based on claims 1, 6-7, 9-13 being interpreted as reciting a body which is "substantially monolithic," as described in applicant's specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2643

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 6-7, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charm (US 4,417,714) in view of Lahti (US 3,812,301).

Regarding claims 1, 13, Charm discloses a box-like enclosure (mounting enclosure 10; Figures 1 and 2) comprising: a body (speaker enclosure 20), a plurality of engagement elements (eyelet 32) and anchoring cables (cord 60).

Charm differs from claims 1 and 13 in that it does not specify the body as being molded or the engagement elements as being formed during molding thereof. However, Lahti teaches the well known use of molded plastic in constructing a speaker enclosure, which is substantially monolithic, along with an engagement element (opening 15) being formed during molding (see Figure 2; col. 2, lines 14-31) such that it would have been obvious to an artisan of ordinary skill to use such a molded speaker enclosure with engagement elements integrally molded with the body, as taught by Lahti, as an alternative to the use of wood with attached eyelets in the speaker enclosure of Charm.

The combination of Charm and Lahti further differs from claim 1 in that it provides for three engagement elements, not six. However, it would have been well within the level of ordinary skill in the art at the time of invention to incorporate any number of engagement elements within the combination of Charm and Lahti to incorporate a greater number of engagement means, such as six, in order to provide additional support for the hanging speaker enclosure.

Regarding claim 6, Charm provides for hooks (28) which engage with the engagement elements (32) (col. 2, lines 22-29).

Art Unit: 2643

Regarding claim 7, Charm provides for the cable (60) being connected to the ceiling via support plate (12) (col. 2, lines 7-12, 30-42).

Regarding claim 9, in Lahti, the speaker enclosure is formed by front cover (12) and rear cover (11) (col. 2, lines 14-22).

Regarding claim 10, in Lahti, the front cover (12) includes a grill (14) for sound radiation (col. 2, lines 17-19).

Regarding claim 11, in Charm, the engagement element is an eyelet (32) of a screw eye, which would be metallic (col. 2, lines 25-29).

Regarding claim 12, in Lahti, the speaker enclosure (10) is formed of plastic (col. 2, lines 14-17).

Allowable Subject Matter

7. Claims 3-5 are allowed.

Lahti discloses an enclosure for spatially orientable speakers comprising a front cover (12) and a rear cover (11) but differs from independent claim 3 in that it does not teach or fairly suggest recesses arranged at lateral faces of said front and rear covers, perimetric seats provided at said peripheral edges and engagement elements fixedly accommodated in said seats through coupling of said front and rear covers so as to protrude from said recesses (depicted in Figure 23).

Response to Arguments

8. Applicant's arguments filed March 7, 2005 have been fully considered but they are not persuasive.

Applicant argues that “neither Charm nor Lahti disclose a monolithic box-like enclosure and also do not disclose six engagement elements directly molded with the enclosure.” However, Applicant’s specification provides support for a body which is “substantially monolithic.” The molded speaker enclosure of Lahti can be considered as “substantially monolithic” as well. As described in the rejection above, it would have been obvious to an artisan of ordinary skill to incorporate any number of engagement elements to provide additional support for the speaker enclosure.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

Art Unit: 2643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
Art Unit 2643